DISTRICT INVESTIGATION. CONCLUSION OF THE TESTIMONY TAKEN ON FRIDAY.

ADOLF CLUSS STILL ILLUMINATES-WHAT ADOLF CLUSS STILL ILLUMINATES—WHAT HE KNOWS NOTHING ABOUT—WHAT HE DOES NOT KNOW CERTAINLY, AND WHAT HE THINKS CANNOT BE EXACTLY RIGHT BECAUSE HE DOES NOT RECOLLECT HAV-ING EXAMINED IT PERSONALLY.

ING EXAMINED IT PERSONALLY.

Q. You think when Congress makes an appropriation of that kind, authorizing the Treasury Department to pay money on the measurement of a United States Officer, that you, as the engineer of the board, ought to make the measurement! A. I think that the law means that the Secretary of the Interior is to draw that money, and I think that the Secretary of the Interior has not been consuited at grounds is to measure this thing over so as fo have a control in the obtaining of public funds.

Q. You had reference to that when you made your answer as to that, did you? Now, Mr. Cluss, you knew very well at the time you made your answer, didn't you, day before yesterday, that you was not in office at the time. Mr. Oertly, or whoever it was, was assigned to make out that statement, did you not? A. Well, I have stated, you know, again, that I had certain reference to everything that was done for obtaining this money out of the Treasury.

Q. You had no reference to the question put to various the property of the board when this was laid before Congress.

The Witness. I understand that question now.

The Chairman. It does not relate to appropriations or expenditures of appropriations, but to estimates as a basis for which these appropriations were made.

The Witness. I have the estimate here.

There can be no doubt about it; but, however, as this estimate is appended to a partial report, dated November 1, 1872, so I have a right to say I was a member of the board when this was laid before Congress.

Q. You had no reference to the question now.

The Chairman. It does not relate to appropriations or expenditures of appropriations, but to estimates as a basis for which these appropriations were made.

The Witness. I have the estimate here.

There can be no doubt about it; but, however, dated November 1, 1872, so I have a right to say I was a member of the board when this was laid before Congress.

The Chairman. It does not relate to appropriations or expenditures of appropriations, but to estimates as a basis for which these appropriations or expenditures of appropriations or expenditures of appropriations or expenditures of appropriations.

Q. You do? A. Yes, sir.
Q. And that money was obtained on those neasurements? A. Yes, sir.
Q. Don't you know that those measurements.
Q. Don't you know that those measurements. Public Buildings and Grounds shall measure over; but I consider under oath the office which I had taken, after I had had the hone of an appointment from the President of the United States, unsolicited by me. I thought that in this obtaining of the public funds there was no be a joint responsibility between the Commissioner of Public Works of the District of Ctiumbia, who are United States on. rs as well as the others.

Q. Then, in your opinion, Mr. Cluss, the Treasury Department was wrong in making those payments on the certificates of General Babcock without your consent? Is that it a plain question. You can answer it! I ask you whether it is your idea that the Treasury Department was wrong in making those payments on the certificates of General Babcock, the United States engineer? A. It is not for her appointment was wrong in making those payments on the certificates of General Babcock, the United States engineer? A. It is not for head of the board on the completion of the Board of Public Works.

Q. Then, in your opinion, Mr. Cluss, the Treasury Department was wrong in making those payments on the certificates of General Babcock, the United States engineer? A. It is not for the board, on the 28th day of December, 1872, were you noil A. I was the engineer of the board, on the 28th day of December, 1872, were you noil A. I was the engineer of the board from October 23; main sewers under contract. "F. Findiey's contract was member of the board of Public Works."

Q. I understand that; but you had not charge and Mr. Certly, under orders of the Governor, made me sign a false statement here—the main sewer.

Wr. What is the first line! A. It is was resunder contract. "F. Findiey's contract was an engineer of the board of Public Works."

A. Yes, sir.

Q. When you went into the board in October, to the vice president of the statement! A. I am not positive about that.

Q. It was concluded in November, was it also the private house, the United States engineer? A. It is not for the engineer of the board of Public Works; I

me to say that the Treasury Department was wrong, but I believe that the thing has not been done in that careful way in which the law was designed. The law says, for sure, in one appropriation, that the Secretary of the Interior do ft, or have anything at all to do with it. So, I say in this regard a little irregularity has been committed.

Mr. Wilson. Here is the law referred to, right at the bottom of the page. (17 Stat. at Large, p. 405.)

The act is as follows:

To enable the Secretary of the Interior to pay the expenditures made of the Board of Public Works, responsible to you, be detailed by the vice president of which this appropriation was based, when, in point of fact, at that time you had nothing to do with the board? A. I have already said that I misunderstood the question; in my statement, and paving readways and curbing, and paving sidewalks, grading, serwarage and other improvements upon and adjoining property of the United States in the District of Columbia for paving readways and curbing, and paving sidewalks, grading, serwarage and other improvements upon and adjoining property of the United States in the District of Columbia for paving readways and curbing, and paving sidewalks, grading, serwarage and other improvements upon and adjoining property of the United States in the District of Columbia for paving readways and curbing, and paving sidewalks, grading, serwarage and other improvements upon and adjoining property of the United States in the District of Columbia for paving readways and curbing, and paving sidewalks, and the District of Columbia for paving sidewalks, grading, serwarage and other improvements upon and adjoining property of the United States in the District of Columbia, \$1.241,200.0, or so much the United States engineer? A. It is not for me to say that the Treasury Department was wrong, but I believe that the thing has not

It Large, p. 405.)

[The act is as follows:]

To enable the Secretary of the Interior to pay the expenditures made of the Board of Public Works of the District of Columbia for paving roadways and curbing, and paving sidewalks, grading, sewerage and other improvements upon and adjoining property of the United States in the District of Columbia, \$1,241,220.90, or so much these of a may be received.

cept in pursuance of appropriations.

Q. Now you have read the entire law through? A. As far as I implied from the Governor's answer, the Secretary of the Interior has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it, and in this review has not been asked about it.

The vouchers are to be approved, of course, and a voucher must be made, of course, before

Board of Public Works. This is clear.
Q. That is your opinion of it? A. It is a question of law. I do not want to go any further about it. I am an engineer, not a lawyer.

Q. That is your construction of that law, is

Q. You stated here day before yesterday that there was an account made out, which was made the basis of an appropriation of \$1,240,000 and upward, by one of your assistants, responsible to you, taken from your own supervision, and under the direct orders of the vice president. Is that statement true! A. I have repeated already my understanding of this. I misunderstood the question.

Q. As an answer to the question printed there it is untrue! A. Well, as an answer—I mean to answer the question that the money was obtained from the Treasury and no estimate made. I sin glad to make this correction. It was an unintentional error.

mate made. I am grad to make this correction. It was an unintentional error.

Q. Do you mean to state here that money of the Treasury was paid on that statement of account made by a subordinate in your office. Do you mean to make that statement! [No

response.]
Q. That money was drawn out of the Treasury!
A. Yes, sir.
Q. You say, in your answer, you understood

I do not know anything of it, but that, as the responsible officer, I ought to have known it. This is my answer.

Q. You feel sore on the subject, I know, in

regard to this matter. As I understand it, your version is simply this: that you think these measurements on which the Government paid this money ought to have been made by you. Is that it! A. I am not sore upon the mbject, but I do not shirk responsibility, not withst sading I have plenty on hand to do with

Q. Do I understand you to say that, in you opinion, the measurements on which this money was paid by the United States Treasury should have been made by you! A. Under the direction of the engineer of the board and the official head of the office.

Q. You were that head! A. Yes, sir, to be

Q. You were that head! A. Yes, sir; to be reported to the Board of Public Works to modify or adopt the report. It ought to have gone to Mr. Samo to be remeasured.

Q. Then your reasons for making this statement denying all knowledge of Government measurements and your responsibility for them, and ascertaining that they had been wand, by engineers, your subordinate dethem, and ascertaining that they had been made by engineers, your subordinates detailed, without your knowledge and consent, by the Governor, was this: that, in your opinion, these measurements ought to have been made by you, or made under your immediate directions, before the money was obtained from the Treasury of the United States. Is that sold in the consensation of the United States are temperature direction; that is the

diate direction; under my direction.

Q. Now, in point of fact, at the time these

the Board of Public Works! A. when these statements—
Q. Answer yes or no, will you, please! A. You put me at once to perjury.
Q. No, sir; I do not do anything of the sort. It is a plain question. I ask you when this statement—A. Which statement!
Q. Your own statements on which that appropriation of \$1,240,000, was based. When these statements were ordered to be made out by the vice president of the board, Mr. Shepherd, when he detailed a cirk in the engineer's office for that purpose, were you a member of

the stion is this: when one of the deputy engineers in the engineer's office was detailed by Mr. Shepherd, the vice president of the Board of Public Works, to make this statement upon which that appropriation was based, were you a member of the Board of Public Works! A. I are stated this before twice,

Q. I have not got to any answer yet. I have been trying to get one for a long time. Yes or no—were you a member of the Board of Public Works or not! A. I must look at the dates.

Q. There is the report of 1872. A. I wanted to have the date when this appropriation bears the official signature.

The Chairman, Mr. Mattingly, I am not so clear that Mr. Chairman, Mr. Mattingly, I am not so clear that Mr. Chairman and the control of the matter of the mat

clear that Mr. Cluss understands your question now. Mr. Mattingly. That is the reason I asked him whether he understood it or not.

The Chairman. You have reference, as I un-

pared.
Mr. Mattingly. Yes, sir; that is my question.
The Chairman. I doubt whether Mr. Cluss
understands that question.
The Witness. I understand that question

Q. You had no reference to the question put to you in your answer? A. I had reference to the estimate upon which the money was obtained.

Q. Do you mean to state to this committee that Governor Shepherd delegated an assistant out of your office as engineer of the board to make measurements on which money was obtained from the United States Treasury? A. Yes, sir.

The Chairman. No, sir; that is not my question.

The Witness. What is it, then?

By Mr. Mattingly. That is not my question.

The Witness. What is it, then?

By Mr. Mattingly. Q. My question is this: when the deputy engineer was detailed by the vice president of the Board of Public Works to prepare that statement which that appropriation was asked for, were you a member of the Board of Public Works? A. I am not positive about that.

about that.

Q. You are not positive about that? A. No, sir; because I am only positive I was never asked about it.

Q. You went there in October, did you not?

he invited me to come and hear the writing out of his report.

Q. By the 1st of November, anyhow, that

ment yesterday I referred to the money drawn out, and I have formally retracted, as far as that point was concerned.

Q. That is all the answer you desire to make! A. Yes, sir.

Q. Now, Mr. Cluss, I understand you to say that you mistook the question, and your answer applied to the statement on which the money was obtained.

A. That is it swer applied to the statement on which the money was obtained. A. Thatis it.
Q. Was that money obtained on any statements made out—money obtained from the Treasury Department! Now understand my question, please. Was that money obtained from the Treasury Department or any statement of account made out by any of the deputies in your office, detailed by the vice president of the Board of Public Works! A. All of

contracting further liabilities on behalf of the United States in the improvement of streets, avenues and reservations beyond the amount of the appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress, and provements on behalf of the United States, except in pursuance of appropriations made by Congress, and provements on behalf of the United States, except in pursuance of appropriations made by Congress, and provements on behalf of the United States, except in pursuance of appropriations made by Congress, and provements on behalf of the United States, except in pursuance of appropriations made by Congress, and the service of the Board of Public Works! A. All of the session of the Board of Public Works! A. All of the United States, except in pursuance of appropriations made by Congress, and the service of the Board of Public Works! A. All of the United States, except in pursuance of appropriations made by Congress, and the service of the Board of Public Works! A. All of

rior has not been asked about it, and in this regard, in my opinion, a little irregularity has been committed.

Q. You have read the law through. Do you find anything in that law requiring payment to be made on wouchers approved by you or by the engineer of the Board of Public Works! A. I think the law reads that way. The vouchers are to be approved, of course, and a woncher must be made, of course, before the course of the way that the capital so the engineer of the Board of Public Works! A. I think the law reads that way. The vouchers are to be approved, of course, and a woncher must be made, of course, before the capital so the explains how it was that answer that he did.

Q. That is your constitution of A. Yes, sir.

Q. That these vouchers ought to have been the question.

Mr. Hamilton. That is what he stated. You have been and the great fairly by the witness.

Statement of amounts required for of main squerz under of F. Findley's contract.
Ratrect sower
Tempkins & Ruckles
W. H. Adams. (Ostreot sower.)
Bartlett & Williams
Gants & Appleman
S. Strong
S. E. Grogg
Seventh street southeast, sewer
Eleventh street southeast, sewer
Third street southeast, sewer
Seventh street northeast, sewer
Gallahor's contract The Chairman. You have reference, as I understand you, to this: A statement was made out under the order of somebody, which was carried to Congress as a basis for an appropriation.

Mr. Mattingly. Yes, sir.

The Chairman. Now you want to know whether he was a member of the Board of Public Works when that statement was prepared. Total, . . . . .

Statement of amounts required for the' completion of streets, pavements, grading, parking, &c., under contract. First Division, in Georgetown, -Second and Third Divisions, in north-Second and Third Divisions, in north-westion section of city. Fourth Division, from Ninth to Fif-teenth streets west, Fifth Division, from First to Ninth tion, Seventh Division, in eastern section, Eighth Division, on Island,

Amount required for completion of sewers Amount required for completion of Total . Less amount of material on hand 1,636,057 54

in charge. OCTORES 31, 1873. A. That is not this report. When I refused were made by Colonel Samo as the engineer under General Babcock! A. I do not.

Q. You went there in October, did you not! the Governor to sign his paper again I stated distinctly that I had been made to sign this way I read the law that the Board of Public Works shall not take the low position of greedy contractors, and the Commissioner of Public Buildings and Grounds shall measure over, but I consider under onthe the office.

A. That is not this report. When I refused distinctly that I had been made to sign this paper, and the first line of it was a mistake of Octiv's, and this was the reason that I did not sign the second paper.

Q. You were appointed engineer of the law to I to this report. When I refused we have been also the Governor to sign his paper again I stated distinctly that I had been made to sign this paper, and the first line of it was a mistake of Octiv's, and this was the reason that I did not sign the second paper.

Q. You were appointed engineer of the law that the first line of it was a mistake of Octiv's, and this was the reason that I did not sign the second paper.

Q. You were appointed engineer of the law that the first line of it was a mistake of Octiv's, and this was the reason that I did not sign the second paper.

Q. You were appointed engineer of the law that the first line of it was a mistake of Octiv's, and this was the reason that I did not sign the second paper.

Q. You were appointed engineer of the law that is not this report.

it. [Witness read as follows: ]

Balance due on last measurement
Ohio avenue
New Hampshire avenue
Delaware avenue

Seventh street, E to G street northwest F street, Fifth to Ninth street north-

87,776 19 21,652 50

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T8,000 00

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made to mislead Congress—in fact Congress would take—

Q. Then you have signed the papers made to mislead Congress, have you? A. I have stated that these papers, you know, were signed by me as a courtesy to the Governor, who sent those voluminous papers to me.

Q. Did the Governor send those papers to you for signature? A. It is the only time that I saw Mr. Oertly and Mr. Samo, and they came to me about anything.

Q. Did the Governor send them to you? A. I do not know whether he is on record. He is too smart to go on record in these things.

Q. Did the Governor send them to you? A. I could not recollect.

Q. If you will answer my question you will get along much easier. A. I cannot recollect it; it is too far back.

Q. Do you know that these papers were sent to you by Mr. Willard, with a letter of the 18th, to which yours is an answer? A. Mr. Willard is entirely unacquainted with these facts—

Q. I am asking you about your knowledge, not Mr. Willard's knowledge. Did not these papers come to you, and that letter dated 13th November, signed by Willard! A. I do not think they came to me with that letter.

Mr. Stewart. Have you got that letter here!

Mr. Mattingly. No, sir; not here just now; it is being copled. But the letter is in answer to that of the 13th.

By Mr. Mattingly: Q. If you will take up the Governor's answer there, the list of contracts there on pages 337 and 338 you did not tracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 337 and 338 you did not the contracts there on pages 347 and 338 you did not the contracts there on pages 347 and 338 you did not the contracts there on pages 347 and 338 you did not the contracts there on pages 347 and 348 you did not the cont

By Mr. Mattingly: Q. If you will take up the Governor's nuswer there, the list of con-tracts there on pages 337 and 338 you did not sign, I understand you to say? A. I am pretty sure I did not sign them. Q. Did you not say if your name was there it was a forgery? A. I said you called it so. Q. And you adopted it? [No response.] Q. State whether that is your signature? [Handing witness a paper.] A. It seems to be my signature.

Q. What have you got to say about it now; is it a forgery? A. I repeat merely that the system in vogue by the Board of Public Works system in vogue by the Board of Public Works is apt to catch any one in these measurements. Mr. Mattingly. That will hardly do, Mr. Cluss. A. I will repeat that the most important document in here—that which relates to money; these, I am sure, I did not sign. Governor Shepherd. Answer as you go along, please. We have got plenty of them for you. This paper that is now shown you has just been obtained from the Government Printing Office. It was the original paper that was sent there when my answer was being printed. It will be found on page 338 of the printed volume.

Q. Is that your signature! A. Yes, sir; that g, is that your sand is my signature. [The following is the paper alluded to as contained on page 387 of the Governor's 8,263 70 List of Contracts, &c. of the Board of Public

Q. That these vouchers ought to have been approved by you, and that General Babcock's approval alone was not sufficient? A. No. sir, or sufficient in my opinion; there ought to have been a joint approval.

Q. To return. Your statement yesterday was that the statement or account on which that appropriation was based was made by a work approval in your office, for whose acts you were responsible, selected by Governor Shepherd. Nr. Hamilton. That is what he statement or account on which the seeks to asperse my character as a deputy in your office, for whose acts you were responsible, selected by Governor Shepherd. Nr. Mattingly.

Mr. Mattingly. Just answer the question yes, or no. A. I have not fully understood you; please repeat it.

Q. You stated here day before yesterday that there was an account made out, which was made the basis of an appropriation of \$1,240,000 of A. Yes, sir.

The Winess. Allow me just to look at an origination of \$1,240,000 of A. Yes, sir.

The Winess. Allow me just to look at an origination of \$1,240,000 of A. Yes, sir.

Q. You stated here day before yesterday that there was an account made out, which was made the basis of an appropriation of \$1,240,000 of A. Yes, sir.

The Winess. Allow me just to look at an independent of the statement which he work and measured up this work that is in here.

Q. You stated here day before yesterday that there was an account made out, which was made the basis of an appropriation of \$1,240,000 of A. Yes, sir.

O That is your explanation? A. Yes, sir.

That is not sufficient in my opinion; there ought to deal fairly by the witness.

Governor Shepherd. Mr. Hamilton, I think I have a right to deal fairly by the witness.

Governor Shepherd. Mr. Hamilton, I think I have a right to deal fairly be the witness.

The Government measurements? A. That the conjected by the Board of Public Works. This was submitted to me by Mr. Oertly, and, as a mere clerical matter, was signed.

Q. Was signed at whose request? Let us understand that. That is in response to a letter o

| The content of the

May 14, 1874.

Q. You regarded it as one of the irregular workings of the office down there, and they abstracted letters and indorsed the contents on the envelope? A. I consider that every little clerk has another little clerk to abstract papers, so as to make the system so complicated that whenever a case comes up you cannot fasten the responsibility upon anybody.

Q. You cannot, it seems, fasten responsibility upon a man who puts his signature to papers. A. Under the workings of the system.

tem.
Q. And in your opinion it is a system of Tweedism! A. It is a system of William A. Tweed, which was admired all over the United States before his irregularities were discovred.
Q. You, however, remained under that sys-

the matter up, day by day, between different members of the board.

Q. Did you ever examine the system organ-ized by Mr. William M. Tweed?

A. I know

Q. Did you ever examine the system organized by Mr. William M. Tweed? A. I know the blanks were imported from New York.

Q. What blanks—specify the blanks? A. The blanks for vouchers, and all those things.

Q. Suppose you were told that there was not a single blank for a voucher imported from New York, and you were satisfied that such was the fact, would not you think you were swearing a little hotly and hastily? Would not you think you were allowing your vindle tiveness to run away with your judgment to some extent? A. I do not know; perhaps I ought not to be so much in detail. I mean the whole machinery—blanks and so on.

Q. Now, what blanks? You are undertaking to testify here to facts. A. Well, when I was inspector of buildings, when I consented to take the office under the board, I was requested to make a law for buildings in the District, and I did it according to the exigencies of the case. They at once imported a building law from New York, and wanted me to copy it. I didn't think it was the right thing for Washington, so I amended it. It was one of those cases where—

Q. Was that building law of New York one

nothing to do! A. I have made statements already in regard to that.

Q. Was that building law of New York one of tweed's laws! A. No, sir; it was an act of the Legislature.

Q. You improved upon it! A. Yes, sir; of course.

Q. And your improvement of the system was adopted here! A. Well, it was a modified system; it was not improved.

Q. As modified by you it was adopted! A. Yes, sir.

Q. What was! A. An assistant, read \$23 too.

List of Contracts, &c. of the Board of Public

Works—Continued.

No. 1832, Feb. 4, 1874—To clean the R-street sewer

No. 1832, Feb. 4, 1874—To clean the R-street sewer

No. 1832, Feb. 4, 1874—To clean the Eight-street

No. 1832, Feb. 4, 1874—To clean the Eight-street sewer

No. 1832, Feb. 4, 1874—To clean the Eight-street

No. 1832, Feb. 4, 187

And the continue of the contin

of the control of the

No.—,) and find it correct as to quantity and quality, and that the work has been done and material and labor firmished as per contract and specifications.

Citas. E. Bassay,
Dated Sept. 30, 1873. Aristant Eagineer.

Approved Sept. 30, 1873. Aristant Eagineer.

I certify that the forgoing bill is correct inform and that the prices are according to contract, and its therefore audited in the sum of—

Dated —, 1874. Pavements for sidewalks and carriage ways. Sept. 30, 1873. John O. Evans bill for work done on P-street circle, bet. — and streets, \$— Final measurement. Vol. — 1874. Pavements for sidewalks, and carriageways. Sept. 30, 1873. John O. Evans bill for work done on P-street circle, bet. — and sireets, \$— Final measurement. Vol. 4509. 73.]

Indored: Cert. No. — Account B. P. W. Vol. — 1874. Pavements for sidewalks, and carriageways. Sept. 30, 1873. John O. Evans bill for work done on P-street circle, Final measurement. Vol. 4509. 73.]

The Vitness. Since the chairman asked the question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of our of question, I will explain the working of question, I will explain the working of question, I will explain the working of question, I will explain the question